

ESTTA Tracking number: **ESTTA26314**

Filing date: **02/18/2005**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

<b>Proceeding</b>	91158447
<b>Party</b>	Defendant Gapardis, Inc. Gapardis, Inc. 7494 NW 54th Street Miami, FL 33166
<b>Correspondence Address</b>	Scott R. Austin Arnstein & Lehr Suite 600 515 N. Flagler Drive West Palm Beach, FL 33401-4323
<b>Submission</b>	Stipulated/Consent Motion to Extend
<b>Filer's Name</b>	Scott R. Austin
<b>Filer's e-mail</b>	sraustin@arnstein.com
<b>Signature</b>	/sra/
<b>Date</b>	02/18/2005
<b>Attachments</b>	asfiledMO2EX2.18.pdf ( 4 pages )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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GAPARDIS HEALTH & BEAUTY, INC.	:
	:
Opposer,	:
	:
v.	:
	:
GAPARDIS, INC.	:
	:
Applicant.	:
----- X	

**MOTION ON CONSENT FOR EXTENSION**  
**OF TIME TO RESPOND TO REQUEST FOR PRODUCTION**  
**AND EXTENSION OF DISCOVERY AND TESTIMONY PERIODS**

Applicant, Gapardis, Inc. (hereinafter referred to as "Applicant" or "Gapardis") by and through its attorneys, Arnstein & Lehr LLP, with the consent of Gapardis Health & Beauty, Inc. (hereinafter referred to as "Opposer"), hereby moves for a thirty day extension to March 28, 2005 of the time in which to file its Response to Opposer's First Request for Production ("Request"); and, with the consent of Opposer, hereby moves for a thirty day extension of the Discovery and Testimony Periods as follows:

THE PERIOD FOR DISCOVERY TO CLOSE: March 28, 2005

Testimony Period for party in position of  
plaintiff to close (opening thirty days prior  
thereto): June 24, 2005

Testimony Period for party in position of defendant to close (opening thirty days prior thereto):

August 24, 2005

Rebuttal Testimony Period to close (opening fifteen days prior thereto):

October 8, 2005

Additional time is needed by Applicant to respond to the Request in good faith in order to locate the documents set forth in the Request, and for the Applicant to confer with its counsel, and to determine and prepare a proper response.

Additional time is needed for the Discovery and Testimony Periods because the parties have been considering options for a settlement proposal up to the end of 2004 and now need additional time to consider the requirements for the development of an effective litigation strategy. This extension is also required because further time is necessary to complete discovery.

Counsel for Opposer, David M. Rogero consented to the extensions requested herein during a telephone conference with counsel for Applicant, Scott R. Austin, on February 15, 2005.

In light of the foregoing, Applicant respectfully requests that the Board grant Applicant's Motion and extend the time for Applicant to respond to the Request to March 28, 2005 and extend the Discovery and Testimony Periods to the respective dates set forth above.

Dated: February 18, 2005  
Boca Raton, Florida

[ELECTRONICALLY FILED  
using the Electronic System for  
Trademark Trials and Appeals  
on the PTOnet February 18, 2005]

Respectfully submitted,

/sra/(L.S.)

Scott R. Austin, Esq.

Arnstein & Lehr LLP

2424 North Federal Highway, Ste. 462

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Attorneys for Applicant

**CERTIFICATE OF SERVICE**

It is hereby certified that a true copy of the foregoing **APPLICANT'S MOTION ON  
CONSENT FOR EXTENSION OF TIME TO RESPOND TO REQUEST FOR  
PRODUCTION AND EXTENSION OF DISCOVERY AND TESTIMONY PERIODS** was  
served upon counsel for Opposer this 18th day of February, 2005 by First Class Mail,  
postage prepaid, as follows:

**David M. Rogero, Esq.**  
2600 Douglas Road  
Suite 600  
Coral Gables, Florida 33134

/sra/ (L.S.) \_\_\_\_\_  
Scott R. Austin